REMARKS

This Preliminary Amendment is being filed with a Request for Continued Examination (RCE) of Application Serial No. 09/199,740. Upon entry of this Prelimnary Amendment, Claims 1, 13, 28, 33, 36, 39, 43, and 48-53 will have been amended, new Claims 54 and 55 will have been added, and Claims 1, 3-16, 18-31, 33-46, and 48-55 will be pending. The above amendments are following remarks are responsive to the points raised in the June 1, 2004 final Office Action. No new matter has been introduced. Entry of this Preliminary Amendment and continued examination on the merits are respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-50 have been rejected under 35 U.S.C. § 112, second paragraph, on the basis that these claims are "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The Exaniner urges that the claim recitations of "'...such that the advertisement is inserted into the image output from the first output device' in claims 1, 13, 28, and 43 are incorrect and/or misleading statements."

Applicants have amended Claims 1, 13, 28, and 43 to overcome this rejection. Accordingly, the rejection of Claims 1-50 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Rejection Under 35 U.S.C. § 102(e)

Claims 51-53 have been rejected under 35 U.S.C. §102(e) as being anticipated by US Patent 6,005,561 to Hawkins et al. (Hawkins). Applicants respectfully traverses this rejection.

Claims 51-53 aim at a client apparatus. As amended above, a client apparatus, which requested an image picked up by a connected camera, stores an advertisment, in memory, provided from the image providing apparatus, and displays the advertisement stored in the memory.

In contrast, Hawkins provides no teaching or suggestion about a client apparatusthat displays an advertisement stored in the memory of a client apparatus. In addition, the Examiner asserts that the "smart" end-user terminal disclosed by Hawkinsis readable on the display control device recited in Claim 51. No specific structure of the "smart" end-user terminal, however, is shown in Hawkins. Should the Examiner continue to reject Claims 51-53 over Hawkins, the Examiner is requested to identify the specific structure of Hawkins upon which the Examiner is relying. As such, the (1) a display apparatus, (2) a display method in an image receiving apparatus and (3) a computer program product comprising a computer usable medium having a computer readable program to execute a display method in an image reading apparatus, as recited in Claims 51, 52, and 53, respectivey, are distinguished over the applied prior art reference of Hawkins. Accordingly, the rejection of Claims 51-53 under 35 U.S.C. 102(e) should be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-50 have been rejected under 35 U.S.C. § 103(a) as being obvious over US Patent 6,116,729 to Acosta et al. (Acosta) in view of Hawkins (US Patent 6,005,561). Applicants respectfully traverse this rejection.

According to claim 1, after the second predetermined period has elapsed, changeover from the second output device to the first output device is permitted. When the image down-loading apparatus receives a changeover request during the first predetermined period after the second predetermined period has elapsed, it dynamically stops down-loading the advertisement and starts down-loading the image.

In contrast, the Business Manager in Acosta makes a queue scheduling images to be transmitted. Thus, there is no teaching about dynamically changing the image to be transmitted in response to a request nor accepting such request after a predetermined period has elapsed. On this basis, the switch controller as disclosed in claim 1 is not taught by Acosta. Hawkins is also silent about such operation of switch. The amendments to Claims 13, 28, and 43 are consistent with the amendments to Claim 1.

In view of the above discussion, the subject matter recited in Claims 1, 13, 28, and 43 is distinguished over the prior art teachings of Acosta and Hawkins, either alone or in combination. The subject matter of dependent Claims 2-12, 14, 27, 29-42, and 44-50 are likewise distinguished over the prior art references of Acosta and Hawkins for at least the same reasons as their respective base Claim 1, 13, 28, and 43. Accordingly, the rejection of Claims 1-50 under 35 U.S.C. 103(a) should be withdrawn.

New Claims 54 and 55

Newly added Claims 54 and 55 specifically described an object of the present invention of preventing plagiarism of a moving image by a third party. When a client requests a moving image, the image down-loading apparatus provides the requested moving image and an image which is not related to the moving image. Since the image other than the requested moving image (i.e., non-requested image)is temporarily down-loaded instead of the requested moving image at a predetermined interval, there are frequent breaks in the moving image, which prevents plagiarizing the moving image. It is troublesome to delete the non-requested image from the moving image, parts of the data of the moving image corresponding to the period the non-requested image is transmitted are missed.

In contrast, there is no idea in Acosta and Hawkins to dare to transmit an image other than the requested image by a client, nor an idea of preventing plagiarism of a down-loaded image. Further, Applicants would like to note that, in Hawkins, what a user selects is a "channel" (see column 11, lines 28-31), not a specific moving image from a specific output device. If the channel provides a program and an advertisement in a barker mode, the advertisement has to be considered being selected together with the program when the user selected the channel, or vice versa (some may select a channel to watch an advertisement.)

Thus, it is apparent that the switch controller of claim 54 is neither disclosed nor suggested by Acosta and Hawkins, therefore, claim 54 as well as claim 55 which is a method claim of claim 54 are believed patentable over Acosta and Hawkins.

CONCLUSION

Applicants respectfully submit that Claims 1-55 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4480.

Respectfully submitted,
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